

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SALVADOR VENEGAS,
Plaintiff
v.
E. MENDOZA, et al.,
Defendant

Case No. 1:21-cv-00962-JLT-EPG (PC)

ORDER SETTING SETTLEMENT CONFERENCE

18 Salvador Venegas (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
19 in this civil rights action pursuant to 42 U.S.C. §1983. The court has determined that this case
20 will benefit from a settlement conference. Therefore, this case will be referred to Magistrate
21 Judge Dennis M. Cota to conduct a settlement conference on March 10, 2022 at 1:00 p.m. The
22 settlement conference will be conducted by remote means, with all parties appearing by Zoom
23 video conference. The Court will issue the necessary transportation order in due course.

In accordance with the above, IT IS HEREBY ORDERED that:

1. This case is set for a settlement conference before Magistrate Judge Dennis M. Cota on March 10, 2022 at 1:00 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference.

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2. A representative with full and unlimited authority to negotiate and enter into a binding

3 settlement on the defendants' behalf shall attend in person¹.

4. Those in attendance must be prepared to discuss the claims, defenses and damages.

5 The failure of any counsel, party or authorized person subject to this order to appear in

6 person may result in the imposition of sanctions. In addition, the conference will not

7 proceed and will be reset to another date.

8. Parties are directed to submit confidential settlement statements no later than March 3,

9 2022 to dmcorders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement

10 statement Attn: Magistrate Judge Dennis M. Cota, USDC CAED, 2986 Bechelli Lane,

11 Suite 300, Redding, California 96002 so it arrives no later than March 3, 2022. The

12 envelope shall be marked "CONFIDENTIAL SETTLEMENT STATEMENT."

13 Parties are also directed to file a "Notice of Submission of Confidential Settlement

14 Statement" (See L.R. 270(d)). Settlement statements **should not be filed** with the

15 Clerk of the Court **nor served on any other party**. Settlement statements shall be

16 clearly marked "confidential" with the date and time of the settlement conference

17 indicated prominently thereon. The confidential settlement statement shall be **no**

18 **longer than five pages** in length, typed or neatly printed, and include the following:

19 a. A brief statement of the facts of the case.

20 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon

21 which the claims are founded; a forthright evaluation of the parties' likelihood of

22¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to

23 order parties, including the federal government, to participate in mandatory settlement conferences... ." United States

24 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir.

25 2012) ("the district court has broad authority to compel participation in mandatory settlement conference[s]."). The

26 term "full authority to settle" means that the individuals attending the mediation conference must be authorized to

27 fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.

28 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official

Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also

have "unfettered discretion and authority" to change the settlement position of the party, if appropriate. Pitman v.

Brinker Int'l., Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003), amended on recon. in part, Pitman v. Brinker Int'l., Inc.,

2003 WL 23353478 (D. Ariz. 2003). The purpose behind requiring the attendance of a person with full settlement

authority is that the parties' view of the case may be altered during the face to face conference. Pitman, 216 F.R.D.

at 486. An authorization to settle for a limited dollar amount or sum certain can be found not to comply with the

requirement of full authority to settle. Nick v. Morgan's Foods, Inc., 270 F.3d 590, 596-97 (8th Cir. 2001).

prevailing on the claims and defenses; and a description of the major issues in dispute.

- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- g. A brief statement of each party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
- h. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.

IT IS SO ORDERED.

Dated: January 11, 2022

/s/ *Eric P. Groj*
UNITED STATES MAGISTRATE JUDGE